

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 SAID ELMAJZOUB,

10 Petitioner,

11 vs.

12 QUENTIN BYRNE, et al.,

13 Respondents.
14

Case No. 3:15-cv-00624-RCJ-VPC

ORDER

15 Petitioner has paid the filing fee. He has also submitted a motion for appointment of counsel.
16 Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel.
17 See 18 U.S.C. § 3006A(a)(2)(B).

18 Petitioner has submitted a motion for leave to file a longer than normal petition, which the
19 court grants.

20 Petitioner has submitted a motion for enlargement of time (#5) to pay the filing fee. This
21 motion is moot because petitioner paid the filing fee the day after he submitted the motion.

22 IT IS THEREFORE ORDERED that the clerk of the court file the petition, the motion for
23 leave to file a longer than normal petition, and the motion for appointment of counsel.

24 IT IS FURTHER ORDERED that the motion for leave to file a longer than normal petition is
25 **GRANTED.**

26 IT IS FURTHER ORDERED that the motion for enlargement of time (#5) is **DENIED** as
27 moot.
28

1 IT IS FURTHER ORDERED that the motion for appointment of counsel is **GRANTED**.
2 The Federal Public Defender is provisionally appointed to represent petitioner.

3 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days
4 from the date that this order is entered to undertake direct representation of petitioner or to indicate
5 to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender
6 does undertake representation of petitioner, he shall then have sixty (60) days to file an amended
7 petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner,
8 then the court shall appoint alternate counsel.

9 IT IS FURTHER ORDERED that neither the foregoing deadline nor any extension thereof
10 signifies or will signify any implied finding of a basis for tolling during the time period established.
11 Petitioner at all times remains responsible for calculating the running of the federal limitation period
12 under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

13 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General
14 for the State of Nevada, as counsel for respondents.

15 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney
16 General of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of
17 this order.

18 IT IS FURTHER ORDERED that respondents' counsel shall enter a notice of appearance
19 within twenty (20) days of entry of this order, but no further response shall be required from
20 respondents until further order of the court.

21 ///

22 ///

23 ///

24 ///

25 ///

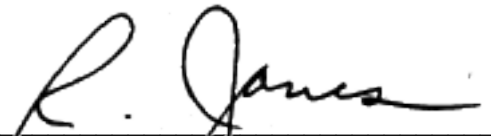
26 ///

27 ///

28 ///

1 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a
2 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments that
3 are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits in
4 the attachment. The hard copy of any additional state court record exhibits shall be forwarded—for
5 this case—to the staff attorneys in Las Vegas.

6 DATED: This 6th day of May, 2016.

7
8 
9 ROBERT C. JONES
United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28